

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:11-HC-2031-BO

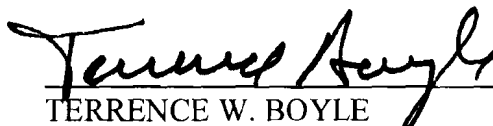
MICHAEL A. HARMON, JR.,)	
Petitioner,)	
)	
v.)	<u>ORDER</u>
)	
D.R. STEPHENS,)	
Respondent.)	

Michael A. Harmon, Jr., a former federal inmate, petitioned for a writ of habeas pursuant to 28 U.S.C. § 2241. The matter is before the court on respondent's motion to dismiss or, in the alternative, for summary judgment. Petitioner was notified of the pending motions and his rights associated thereto, however, he has failed to respond. The matter is ripe for determination.

Petitioner claims the Bureau of Prisons ("BOP") is in violation of applicable law by improperly denying his early release to a Residential Reentry Center ("RRC".) Petitioner seeks an order from this court directing respondent to transfer him to a RRC.

On July 22, 2011, petitioner was released from incarceration. Thus, petitioner is no longer within the custody of the Bureau of Prisons, and the matter is moot. See Lewis v. Continental Bank Corp., 494 U.S. 472, 477-78 (1990); Soliman v. United States, 296 F.3d 1237, 1241 (11th Cir. 2002); see e.g., Williams v. Griffin, 952 F.2d 820, 823 (4th Cir. 1991); Magee v. Waters, 810 F.2d 451, 452 (4th Cir. 1987).

Accordingly, respondent's motion to DISMISS is ALLOWED as the petition is MOOT. SO ORDERED, this 30 day of October 2011.


TERRENCE W. BOYLE